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PTO/SB/21 (10-08)

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<b>TRANSMITTAL FORM</b>  <i>(to be used for all correspondence after initial filing)</i>	Application Number	10/500,098	
	Filing Date	12/17/02	
	First Named Inventor	Anne D. Frame	
	Art Unit	1654	
	Examiner Name	Patricia Leith	
Total Number of Pages in This Submission	10	Attorney Docket Number	83622.03

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached  <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s)  <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers  <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC  <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences  <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Request for Reconsideration Under 37 C.F.R. § 1.116 (Exhibit 1)(9 pages total)
<div>Remarks</div>		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	Whiteford, Taylor & Preston, LLP		
Signature			
Printed name	Michael David, Esq.		
Date	December 2, 2008	Reg. No.	44,642

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:			
Signature			
Typed or printed name	Donna Chambers	Date	December 2, 2008

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application Of: Frame, Anne D.	)	Group Art Unit:	1654
	)		
Serial No.: 10/500,098	)	Examiner:	Patricia Leith
	)		
Filed: 12/17/02	)	Attorney Docket No.:	83622.00003
	)		
For: Anti-bacterial Plant Compositions	)		

**REQUEST FOR RECONSIDERATION UNDER 37 C.F.R. § 1.116**

Mail Stop: AFTER FINAL  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Dear Sir:

This communication is in response to the Office Action mailed September 30, 2008 to which a response (without extension of time) is due on December 30, 2008. No fee is due at this time. However, if the Examiner believes a fee is due, the Examiner is authorized to charge any fee in conjunction with this patent application, now or at any time during prosecution (with the exception of the fee for allowance) to our Account Number 501479.

**Amendment To The Claims**

*Exhibit 1*, attached, presents the status of all claims in this application, including newly amended claims.

**REMARKS**

Entry of the amended claims is respectfully solicited. The claims as amended are likely allowable, and, at a minimum, reduce significantly the issues for consideration under an appeal. The most significant amendments to the claims are the cancelation of Claims 33, 60, and 61, with the limitations of these claims now incorporated into base Claims 32 and 59. Accordingly, the base claims now contain the limitation "stigmastan-3,5,-diene. Other amendments clarify meaning, correct antecedent basis, etc. The claim language is well supported by the specification and by the claims as filed. No new matter is presented.